

5/023/086



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
FILLMORE FIELD OFFICE

35 East 500 North  
Fillmore, Utah 84631



In Reply Refer to:  
3800  
(U-010)  
UTU-072898

November 12, 2004

CERTIFIED MAIL #7004 0750 0000 8259 6319  
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NOV 17 2004  
DIV. OF OIL, GAS & MINING

DECISION

SID HULLINGER	:	43 CFR 3809
MC FARLAND & HULLINGER	:	PLAN OF OPERATIONS
L.L.C.	:	APPROVED
PO BOX 238		
TOOELE UT 84074		

Your Plan of Operations to conduct mining activity at your Coyote Knoll mine in the Allison Knolls, NW1/4NE1/4 of sec. 5, T. 12 S., R. 6 W., SLB&M, has been approved. The \$50,000.00 reclamation surety filed with the Utah Division of Oil, Gas & Mining is sufficient to meet the BLM financial guarantee for reclamation required by 43 CFR 3809.503. The plan approval is contingent upon meeting the Environmental Assessment mitigation measures, listed as stipulations in the decision of the Finding of No Significant Impact (enclosed).

If you do not agree with, and are adversely affected by, this decision, you have the right to request review by the Utah State Director (SD) of the Bureau of Land Management in accordance with 43 CFR 3809.800. If you exercise this right, your request, accompanied by a brief written statement explaining why we should change our decision and any documents that support your written statement, must be filed in writing within 30 days after your receive this decision. The envelope should be marked "State Director Review" and sent to the following address:

BUREAU OF LAND MANAGEMENT  
UTAH STATE OFFICE  
PO BOX 45155  
SLC UT 84145-0155

You should include a telephone or fax number by which the SD can contact you. If the SD does not make a decision within 21 days on whether to accept your request for review, you should consider your request declined, and you may appeal this decision to the Office of Hearings and Appeals (OHA). You may also appeal to OHA if the SD's



decision is adverse to you. You must file a notice of appeal to this office within 30 calendar days of the date you receive the SD's decision or decision not to review.

You may also bypass State Director review, and appeal directly to OHA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office within 30 days of receipt of this decision. You have the burden of showing that the decision appealed from is in error.

If you wish to file a petition to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals (Board), the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Board, and to the appropriate Office of the Solicitor (see 43 CFR 4.412) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### **Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As mandated in 43 CFR 3809.808 this decision will remain in full force and effect during review and appeal unless a written request for a stay is granted.

  
**ACTING**

Enclosures:

Environmental Assessment/Findings of No Significant Impact

cc and enclosures: **Tom Munson**, UDOGM (S/023/086)



5/023/086



United States Department of the Interior  
Bureau of Land Management

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NOV 17 2004

DIV OF OIL GAS & MINING

Environmental Assessment UT- 010-04-076  
Case file Number: UTU-072898

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## Finding of No Significant Impact and Decision Record

### COYOTE KNOLLS MINE, PLAN OF OPERATIONS

T. 12 S., R. 6 W., sec. 5: NWNE  
McFarland and Hullinger L.L.C.  
PO Box 238  
Tooele, UT 84074

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U.S. Department of the Interior  
Bureau of Land Management  
Fillmore Field Office  
Fillmore, Utah  
Phone: (435) 743-3100  
FAX: (435) 743-3135

# **Finding of No Significant Impact / Decision Record**

## **Fillmore Field Office**

### **INTRODUCTION:**

The Bureau of Land Management (BLM) has conducted an environmental analysis (EA No. UT-010-04-076) for a proposed action to address mining in the Coyote Knoll area in Juab County. The project allows McFarland & Hullinger L.L.C. to mine a mineralized vein of jasperoid from an open pit, 30 feet by 135 feet at pit bottom. The mine operation will be within a five acre area of disturbance including pit, waste pile top soil storage and ore stockpile. Mining will be a blast and haul operation and utilize one 2.5"-3" blast hole drill, a one cubic yard track-hoe excavator, one 35-ton haul truck, one bulldozer (D-8 equivalent), and a 3000 gallon water truck. The ore would be hauled to an off-site location for processing. An underground mining operation plan may later be submitted base on the results of the open pit operation.

The Coyote Knoll Mine project area is approximately five acres within the NW1/4NE1/4 of section 5, T. 12 S., R. 6 W., Salt Lake Baseline and Meridian. The Environmental Assessment (EA) is available at the Fillmore Field Office and is incorporated by reference in this Finding of No Significant Impact (FONSI) determination. A no action alternative and the action alternative were analyzed in the EA.

### **PLAN CONFORMANCE AND CONSISTENCY:**

The proposed action is in conformance with the House Range Resource Area Resource Management Plan, (October 28, 1987) pages 75 through 77, the goal of which is "to: (1) provide for discovery, development, and use of minerals on public land consistent with applicable laws and regulations and (2) require the least restrictive stipulations necessary to adequately protect other resources."

### **FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:**

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the House Range Resource Area Resource Management Plan. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

**Context:** The project is a site-specific action directly involving approximately five acres of BLM administered land that by itself does not have international, national, regional, or state-wide importance

**Intensity:** The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. **Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in the EA. Mitigating measures to reduce impacts to prevent undue and unnecessary degradation were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, nor do the effects exceed those described in the House Range Resource Area Resource Management Plan.
2. **The degree to which the selected alternative will affect public health or safety.** The proposed action is designed to be carried out in such a way as to protect public health and safety.
3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.** The following Critical Elements of the Human Environment and Other Resource Issues are not affected because they are not present in the project area: Areas of Critical Environmental Concern, Farmlands, Environmental Justice, Floodplains, Native American Concerns, Threatened, Endangered or Candidate Species (Plant and Animal), Wetlands/Riparian Zones, Wild and Scenic Rivers, and Wilderness Study Areas. In addition, the following Critical Elements of the Human Environment and Other Resource Issues, although present, would not be affected by this proposed action for the reasons listed in Appendix A of the EA: Air Quality, Cultural Resources, and Water Quality. Two Critical Elements of the Human Environment and one Other Resource Issue were analyzed in detail in Chapter 4. None of these would be significantly impacted because the mitigation measures developed for the operation will prevent infiltration and spread of invasive, non-native species, prevent conflict with recreation uses in the area, and prevent damage to the livestock water pipeline in the area.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** There is no scientific controversy over the nature of the impacts.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the direct, indirect, and cumulative effects of the selected alternative and all other alternatives is described in Chapter 4 of the EA. The resource most affected by the cumulative impacts is visual. The cumulative impacts are still within the threshold of the VRM Class IV.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.** The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 4 of the EA.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.** No threatened or endangered plants or animals are known to occur in the area.
10. **Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.** The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process.

## **DECISION:**

McFarland & Hullinger L.L.C. is authorized to mine a mineralized vein of jasperoid from an open pit, 30 feet by 135 feet at pit bottom. The mine operation will be within a five acre area of disturbance including pit, waste pile top soil storage and ore stockpile. Mining will be a blast and haul operation and utilize one 2.5"-3" blast hole drill, a one cubic yard track-hoe excavator, one 35-ton haul truck, one bulldozer (D-8 equivalent), and a 3000 gallon water truck. The ore would be hauled to an off-site location for processing. An underground mining operation plan may later be submitted base on the results of the open pit operation. The operation must meet the following stipulations:

- The requirements of Rule R647-3-107 through 109, State of Utah Operation, Reclamation Practices must be met.
- The Utah Mined Land Reclamation Act (40-8-7-(1)(c)) must be met.
- Operations must be conducted in such a way as to prevent unnecessary and undue degradation as outlined in 43 CFR 3809.415.
- The performance standards of 43 CFR 3809.420 must be followed.
- The operation must meet the financial guarantee requirements of 43 CFR 3809.500.
- Equipment brought on site will be free of material that would lead to infiltration of invasive non-native species. The appearance of knapweed or other invasive species will be reported to the Fillmore Field Office. The "weeds" resource specialist will design any necessary treatment program.
- Solid waste will be removed from the site and properly disposed of as it is produced. A spill and spill prevention plan for hazardous materials at the site will be developed and followed. Reportable spills of hazardous materials will be reported to the Utah Division of Environmental Response and Remediation and to the Fillmore Field Office.
- During the season (April 1 to October 1) of high recreation use, work on weekends should be discontinued. During the recreation season extreme caution should be exercised and strict adherence to a 40 mile per hour speed limit must be maintained.
- Heavy use of the county road system will undoubtedly result excess deterioration. Juab County should be consulted in order to develop a maintenance agreement for the county road.
- Until such time as a Title V Right of Way or Disclaimer of interest is issued on the access road, reclamation responsibility for those parts of the access road that are designated on the attached map will be part of the mine plan.
- The Fillmore Field Office will locate the livestock water pipeline system to the operator. Mine operation that result in damage to the livestock water pipeline will be repaired immediately at the operator's expense.
- The area will be fenced after reclamation to prevent livestock access until such time that the vegetation on the site is adequately restored.

**Authorities:** The authority for this decision is contained in 43 CFR 3809.

**Compliance and Monitoring:** BLM policy requires that all active 43 CFR 3809 operations be inspected twice yearly to determine compliance with the regulations. After reclamation is performed, once yearly monitoring would take place until vegetation establishes and the case file is closed.

**Alternatives Considered:** The no action alternative would be to not approve the Plan. The claimant and or operator of the previous notice would be required to reclaim the disturbance created under the notice. This alternative is not viable unless a mineral examination should be performed and the mining claims found to be invalid.

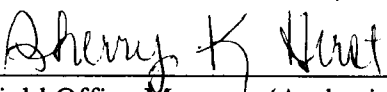
**Rationale for Decision:** The action conforms to House Range Resource Area Resource Management Plan. This proposal was posted on the Electronic Bulletin Board on September 30, 2004. As mandated by § 3809.411(c), a 30 day comment period was allowed. As of November 2, 2004, there has been no public comment received.

**Appeals Language:**

This decision is effective upon the date it is signed by the authorized officer. As stated in the regulations 43 CFR 3809 the provisions of 43 CFR 4.21(a) do not apply, and the decision shall remain effective pending appeal unless the Board determines otherwise. Within 30 days of receipt of the decision, an appeal must be filed to: Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203. A copy of the notice of appeal must also be filed in this office (Fillmore Field Office, 35 East 500 North, Fillmore Utah 84631) as well as with: Office of the Solicitor, 125 S. State Street, Suite 6201, Salt Lake City, Utah, 84138. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for stay pursuant to 43 CFR 3150.2(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

  
\_\_\_\_\_  
Field Office Manager (Authorized Officer)

11/8/04  
\_\_\_\_\_  
Date



ENVIRONMENTAL ASSESSMENT

COYOTE KNOLLS MINE

PLAN OF OPERATION

UT-010-04-076

November 3, 2004

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## **1.0 PURPOSE & NEED:**

### **1.1 Introduction:**

This Environmental Assessment (EA) has been prepared to analyze McFarland and Hullinger, L.L.C.'s Plan of Operations relative to the Coyote Knoll's 1, 2, and 3 mining claims (UMC 366787 through 366789). The EA is a site-specific analysis of potential impacts that may result with the implementation of a proposed action or alternatives to the proposed action. The EA assists the BLM in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any "significant" impacts could result from the analyzed actions. "Significance" is defined by NEPA and is found in regulation 40 CFR 1508.27. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of "Finding of No Significant Impact" (FONSI). A Decision Record (DR), which includes a FONSI statement, is a document that briefly presents the reasons why implementations of the proposed action will not result in "significant" environmental impacts (effects) beyond those already addressed in the House Range Resource Management Plan, October 28, 1987. If the decision maker determines that this project has "significant" impacts following the analysis in the EA, then an EIS would be prepared for the project. If not, a Decision Record may be signed for the EA approving the alternative selected.

### **1.2 Background:**

A notice for this site was received from Robert Steele in November of 1996. The operations was to be under ground utilizing three inclined shafts and produce 10 to 40 tons per day of gold/silver ore with two acres of surface disturbance. In September of 2000 the operator of the notice was changed to Newco Guyana, Inc. On June 26, 2002 the operator was notified of the requirement to extend the notice and post a financial guarantee. The request to extend the notice was not received and the notice expired on January 20, 2003. Though no underground mining has taken place approximately 2 to 3 acres has been disturbed during operations at the site not including access. On September 2, 2004 the Plan of Operations that is the subject of this environmental assessment was received.

### **1.3 Need for the proposed Action:**

Analyzing mine Plans and, if necessary, developing mitigation measures, enables the BLM to prevent unnecessary and undue degradation of public lands.

### **1.4 Purpose of the Proposed Action:**

The 1872 Mining Law declared "all valuable mineral deposits in lands belonging to the United States...to be free and open to exploration and purchase" (purchase meaning patent of the land for a nominal fee). Rights established under the mining law include 1) mining activities conducted pursuant to mining claims that have not been determined to be invalid; 2) mining use or occupation of mill sites; 3) mineral exploration; and 4) activities involving ingress and egress to mining claims, mill sites, or exploration areas (including access roads, transmission lines, pipelines, and other means of access

constructed outside the boundary of a mining claim or mill site). The Surface Resources Act of 1955 included a provision that any unpatented mining claim may not be used for purposes other than prospecting, mining or processing operations and reasonably incident uses.

The Federal Lands Policy Management Act (FLPMA) compelled the BLM to prevent unnecessary and undue degradation to Federal Lands. The 43 Code of Federal Regulations (CFR) §3809 regulations were effected in 1981 and revised in 2001 to comply with FLPMA by managing surface mining under the mining law. The 43 CFR §3715 regulations were effected in 1996 to ensure that all occupancies of mining claims were reasonably incident as defined by the Surface Resources Act. Compliance with the §3809 regulations requires that a Plan be submitted and approved prior to mining. Compliance with the §3715 regulations requires that occupancies are reviewed, and that the authorized officer concurs they are reasonably incident. By analyzing and mitigating §3809 Plans, the Bureau of Land Management (BLM) complies with the FLPMA mandate to avoid unnecessary and undue degradation of public lands. By reviewing occupancy proposals to determine if they are reasonably incident, the BLM complies with the Surface Resources Act. By approving §3809 Plans, the BLM complies with the 1872 Mining Law.

#### **1.5 Conformance with BLM Land Use Plan(s):**

The proposed action is in conformance with the House Range Resource Area Resource Management Plan, (October 28, 1987) pages 75 through 77, the goal of which is “to: (1) provide for discovery, development, and use of minerals on public land consistent with applicable laws and regulations and (2) require the least restrictive stipulations necessary to adequately protect other resources.”

#### **1.6 Relationship to Statutes, Regulations, or other Plans:**

The proposed action is consistent with the following laws and regulations:

17 Stat. 91, The General Mining Law of 1872

69 Stat. 367 PL 167, The Multiple Surface Use Act of 1955

90 Stat. 2743 PL 94-579, The Federal Lands Policy Management Act

43 CFR 3715 Use and Occupancy under the Mining Laws

43 CFR 3809 Surface Management

In addition, the operator must obtain a permit from the Utah Division of Oil, Gas and Mining. (UDOGM), and applicable permits from the Utah Department of Environmental Quality.

#### **1.7 Identification of Issues:**

##### **1.7.1 Critical Elements:**

###### **1.7.1.1 Invasive, Non-native Species**

Equipment and supplies that have been used at sites with invasive, non-native plant species can spread those species to areas where they are used next.

### **1.7.1.2 Wastes, Hazardous and Solid**

Mining and hauling equipment may involve spilling or leaking of fuel, grease and oily fluids.

### **1.7.2 Other Resources:**

#### **1.7.2.1 Recreation:**

The area nearby is used heavily for recreation (camping, off-road vehicle). The main access road from Highway 50/6 is the Jericho-Callao road that is also used for access to Little Sahara Recreation Area.

#### **1.7.2.2 Water Rights:**

A water pipeline system for livestock is adjacent to the site and runs along some of the access ways.

### **1.8 Summary:**

This chapter has presented the Purpose and Need for the proposed project, as well as the relevant issues, i.e., those elements that could be affected by the implementation of the proposed project. In order to meet the purpose and need of the proposed project in a way that resolves the issues, the BLM has developed a range of action alternatives. These alternatives, as well as a no action alternative, are presented in Chapter 2. The potential environmental impacts or consequences resulting from the implementation of each alternative are then analyzed in Chapter 4 for each of the identified issues.

## **2.0 DESCRIPTION OF ALTERNATIVES, INCLUDING PROPOSED ACTION**

### **2.1 Alternative A – Proposed Action:**

McFarland & Hullinger L.L.C. proposes mining a mineralized vein of jasperoid from an open pit, 30 feet by 135 feet at pit bottom. The mine operation will be within a five acre area of disturbance including pit, waste pile top soil storage and ore stockpile. Mining will be a blast and haul operation and utilize one 2.5"-3" blast hole drill, a one cubic yard track-hoe excavator, one 35-ton haul truck, one bulldozer (D-8 equivalent), and a 3000 gallon water truck. The ore would be hauled to an off-site location for processing. An underground mining operation plan may later be submitted base on the results of the open pit operation.

### **2.2 Alternative B – No Action:**

The no action alternative would be to not approve the Plan. The claimant and or operator of the previous notice would be required to reclaim the disturbance created under the notice.



### **3.0 AFFECTED ENVIRONMENT:**

#### **3.1 Introduction:**

This chapter presents the potentially affected existing environment (i.e., the physical, biological, social, and economic values and resources) of the impact area as identified in the Interdisciplinary Team Analysis Record Checklist (found in Appendix A) and presented in Chapter 1 of this assessment. This chapter provides the baseline for comparison of impacts/consequences described in Chapter 4.

#### **3.2 General Setting:**

The Coyote Knolls operation is located in Juab County approximately 35 miles north of Delta, Utah, which is in the east central portion of the Basin and Range physiographic province. The climate is semi-arid, with annual rainfall of about eight to ten inches. Temperatures range from winter lows of -30° F to summer highs of 110° Fahrenheit. Vegetation includes salt desert shrubs, sage brush, and rabbit brush.

The operation is in the Allison Knolls 1.2 miles north of the Jericho-Callao road and approximately 0.5 mile northwest of Coyote Knoll proper, T. 12 S., R. 6 W., section 5: NW1/4NE1/4. The ore is within a Tertiary age pyroclastic acidic volcanic rock that has been highly silicified within a shear zone. The mined ore will be used as a silica flux at Kennecott's Magna smelter and is valuable for the silver and gold content.

#### **3.3 Resources Brought Forward for Analysis:**

##### **3.3.1 Invasive, Non-Native Species**

The area of the proposed action is a known area for the invasive non-native, squarose knapweed.

##### **3.3.2 Wastes, Hazardous and Solid**

Mining activity will result in the production of trash, scrap metal, scrap wood, and may result in spills of hazardous substances.

##### **3.3.3 Recreation**

The area east of the proposed operation sees heavy recreation use between April 1<sup>st</sup> and October 1<sup>st</sup>. The mine and Little Sahara Recreation Area share the county maintained Jericho-Callao (Weiss Highway) road for access.

##### **3.3.4 Water Rights**

A pipeline system that supplies water to livestock exists at the site.

### **4.0 ENVIRONMENTAL IMPACTS**

#### **4.1 Introduction:**

Impacts/Issues will be analyzed for Invasive, Non-Native Species; Wastes, Hazardous and Solid; Recreation; and Water Rights.

## **4.2 Direct/Indirect Impacts**

### **4.2.1 Alternative A: Proposed Action**

#### **4.2.1.1 Invasive, Non-Native Species:**

The surface disturbance and operation at the project site may encourage influx of invasive, non-native species.

#### **4.2.1.2 Wastes, Hazardous and Solid:**

Solid and hazardous wastes will be produced as a result of operations.

#### **4.2.1.3 Recreation:**

Project operations may be in conflict with recreational activities in the area.

#### **4.2.1.4 Water Rights**

Livestock water pipelines in the area may be disrupted or damaged by project operations.

#### **4.2.1.5 Mitigation Measures:**

- The requirements of Rule R647-3-107 through 109, State of Utah Operation, Reclamation Practices must be met.
- The Utah Mined Land Reclamation Act (40-8-7-(1)(c)) must be met.
- Operations must be conducted in such a way as to prevent unnecessary and undue degradation as outlined in 43 CFR 3809.415.
- The performance standards of 43 CFR 3809.420 must be followed.
- The operation must meet the financial guarantee requirements of 43 CFR 3809.500.
- Equipment brought on site will be free of material that would lead to infiltration of invasive non-native species. The appearance of knapweed or other invasive species will be reported to the Fillmore Field Office. The “weeds” resource specialist will design any necessary treatment program.
- Solid waste will be removed from the site and properly disposed of as it is produced. A spill and spill prevention plan for hazardous materials at the site will be developed and followed. Reportable spills of hazardous materials will be reported to the Utah Division of Environmental Response and Remediation and to the Fillmore Field Office.
- During the season (April 1 to October 1) of high recreation use, work on weekends should be discontinued. During the recreation season extreme caution should be exercised and strict adherence to a 40 mile per hour speed limit must be maintained.
- Heavy use of the county road system will undoubtedly result excess deterioration. Juab County should be consulted in order to develop a maintenance agreement for the county road.
- Until such time as a Title V Right of Way or Disclaimer of interest is issued on the access road, reclamation responsibility for those parts of the access road that are designated on the attached map will be part of the mine plan.

- The Fillmore Field Office will locate the livestock water pipeline system to the operator. Mine operation that result in damage to the livestock water pipeline will be repaired immediately at the operator's expense.
- The area will be fenced after reclamation to prevent livestock access until such time that the vegetation on the site is adequately restored.

#### **4.2.1.5 Residual Impacts:**

There would be an irretrievable loss of mineral resources. Visual impacts would be affected until re-vegetation efforts are successful.

#### **4.2.1.6 Monitoring and/or Compliance:**

BLM policy requires that all active 43 CFR 3809 operations be inspected twice yearly to determine compliance with the regulations. After reclamation is performed, once yearly monitoring would take place until vegetation establishes and the case file is closed.

#### **4.2.2 Alternative B: No Action**

##### **4.2.2.1 Invasive, Non-Native Species:**

The risk for the introduction of invasive, non-native species would be present for equipment brought in to reclaim the site.

##### **4.2.2.2 Wastes, Hazardous and Solid:**

The possibility of a spill of hazardous material would exist with the reclamation effort, but to a lesser degree than with the longer term mining activity.

##### **4.2.2.3 Recreation:**

Reclamation activity would have a lower probability of conflict with the recreation taking place in the area since no haul trucks would be in use.

##### **4.2.2.4 Water Rights**

The chance of damaging the pipeline system during reclamation would be less than with the mining operation due to the shorter time frame involved.

#### **4.2.1.5 Mitigations Measures:**

- Equipment brought on site will be free of material that would lead to infiltration of invasive non-native species. The appearance of knapweed or other invasive species will be reported to the Fillmore Field Office. The "weeds" resource specialist will design any necessary treatment program.
- Solid waste will be removed from the site and properly disposed of as it is produced. A spill and spill prevention plan for hazardous materials at the site will be developed and followed. Reportable spills of hazardous materials will be reported to the Utah Division of Environmental Response and Remediation and to the Fillmore Field Office.
- The Fillmore Field Office will locate the livestock water pipeline system to the operator. Mine operation that result in damage to the livestock water pipeline will be repaired immediately at the operator's expense.

#### **4.2.2.5 Residual Impacts:**



Visual impacts would be affected until vegetation efforts are successful.

#### **4.2.2.6 Monitoring and/or Compliance:**

Monitoring would be the same as for the proposed action.

#### **4.3 Cumulative Impact Analysis:**

“Cumulative impacts” are those impacts resulting from the incremental impact of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions.

##### **4.3.1 Reasonably Foreseeable Action Scenario (RFAS):**

The following reasonably foreseeable action scenario (RFAS) identifies the cumulative actions that would cumulatively affect the same resources in the cumulative impact area as the proposed action and alternatives.

##### **4.3.2 Cumulative Impacts:**

The resource most affected by the cumulative impacts is visual. The cumulative impacts are still within the threshold of the VRM Class IV.

## **5.0 CONSULTATION AND COORDINATION**

### **5.1 Introduction**

The issue identification section of Chapter 1 identifies those issues analyzed in detail in Chapter 4. The issues were identified through the public and agency involvement process described in section 5.2 below.

### **5.2 Summary of Public Participation:**

This proposal was posted on the Electronic Bulletin Board on September 30, 2004. As mandated by § 3809.411(c), a 30 day comment period was allowed. As of November 2, 2004, there has been no public comment.

### **5.3 Preparer:**

Jerry Mansfield, Geologist

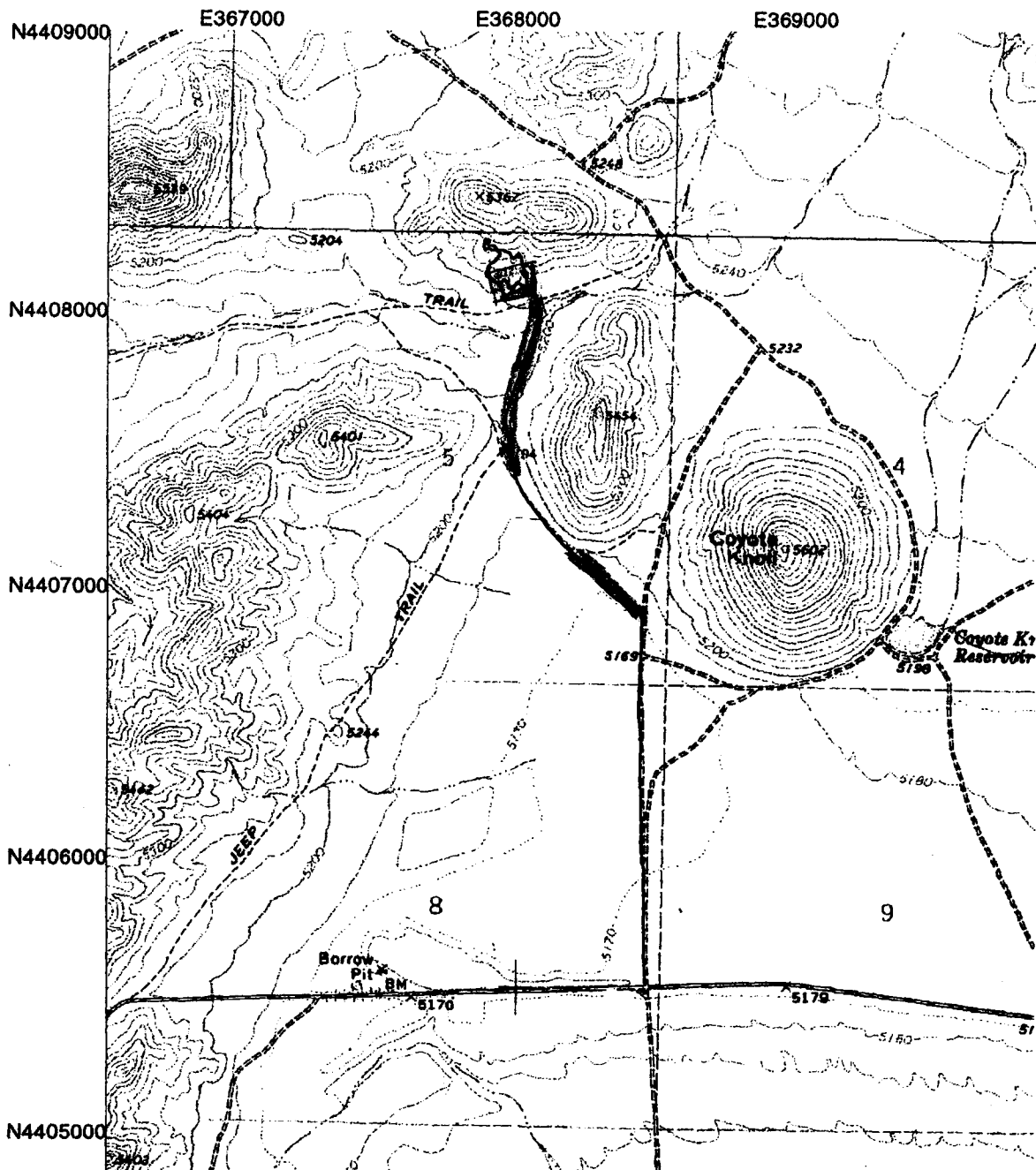
## **ACRONYMS**

UDOGM – Utah Division of Oil, Gas and Mining

VRM – Visual Resources Management

## **APPENDICES**

Interdisciplinary Team Analysis Record Checklist with attached map and clearances.



6 W.  
**UTU-072898** — PORTIONS OF ROAD

RECLAMATION RESPONSIBILITY  
 BELONGS TO OPERATOR

Universal Transverse Mercator  
 12 North  
 NAD 1927 (Conus)



Scale 1:24000  
 0 3000  
 Feet

r090120b.cor  
 9/4/1998  
 Pathfinder Office  
**Trimble**